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25

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,830	01/26/2004	William J. Cultrara	20011.000201	7916
7590	01/06/2005		EXAMINER	
Thomas R. FitzGerald, Esq. Suite 210 16 E. Main Street Rochester, NY 14614-1803			OLSON, LARS A	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

P4

Office Action Summary	Application No.	Applicant(s)	
	10/764,830	CULTRARA, WILLIAM J.	

Examiner	Art Unit	
Lars A Olson	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 August 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>01262004</u> .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date: _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: On line 8 of the claim, the phrase "a the stern" should be corrected to read "at the stern". Appropriate correction is required.
2. Claim 19 is objected to because of the following informalities: Claim 19 does not end with a period, and is thus considered to be incomplete. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 recites the limitation "the stern" in line 4. There is insufficient antecedent basis for this limitation in the claim.
6. Claim 8 is presented in dependent form, depending from claim 8. It is unclear to the examiner whether the applicant intended to present claim 8 in independent form, or in dependent form.

7. Claim 22 recites the limitation "the stern" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

8. Claims 1-22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Davidson (US 6,263,825), Polidan (US 6,260,505), Szukhent, Jr. (US 6,006,692), Menne, Jr. et al. (US 5,706,752), Pepper et al. (US 5,044,298), Lacy (US 4,926,782), Larson (US 4,883,016), Pruonto (US 4,562,786) and Paris (US 2,794,192) disclose a plurality of configurations for pontoon boats having a deck and a bridge, as well as a collapsible canopy for covering at least a portion of said deck.

10. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

January 5, 2005

LARS A. OLSON
PATENT EXAMINER

Lars Olson
1/5/05